IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

CRP.No. 208 of 2007()

AGAINST THE ORDER IN EP 298/2004 IN
OS.2021/1998 of II ADDL.M.C.,TRIVANDRUM
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REVN. PETITIONER: 3RD JUDGMENT DEBTOR

V.VIKRAMAN, RECORD KEEPER,
ACCOUNTANT GENERAL OFFICER, RESIDING AT
T.C.15/1936, VAZHUTHAVAUD, THYCAUD VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER KARAKONAM

RESPONDENTS: DECREE HOLDER & JUDGMENT DEBTOR 1 & 2
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1. B.RAJENDRAN NAIR,
FEXMA GENERAL CHITTY FUND, P.M.G.,
THIRUVANANTHAPURAM.

2. REVATHY S.PILLAI, D/O.LEELAMMA,
SURYAKIRAN, V.P.7/318-(A), CHITHRA NAGAR,
MANNARUKONAM, VATTIYOORKAVU, THIRUVANANTHAPURAM.

3. K.JAYAPRAKASH NARAYANAN,
SR.ACCOUNTANT, ACCOUNTANT GENERAL OFFICE,
RESIDING AT PANAYARKUZHY PUTHEN VEEDU,
K.P.X/564, NCC ROAD, PEROORKADA,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.P.A.AHAMMED
SRI.THOUFEEK AHAMED

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN,J

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C.R.P.No.208 of 2007

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Dated this the 4th day of September, 2007

ORDER

This writ petition is preferred by the third judgment debtor in E.P.No.298/2004 in O.S.No.2021/1998. The third judgment debtor is a Government employee. His contention is that though he was employed in the Accountant General Office his carry home pay is only zero and therefore, he has no means to pay and therefore, he could not be arrested and send to Civil Prison. He produced a document Ext.B1 which does not have any authenticity. The learned counsel for the revision petitioner had shown the same to me and it is seen that the carry home salary is zero. If really a person is not having means to pay, then law does not permit him to be arrested and be sent to Civil Prison. The learned counsel prays time to produce authenticated documents I feel an opportunity has to be given. The decree holder is also heard. Therefore, the order under challenge is set aside and the matter is remitted back to the executing court for fresh consideration. The revision petitioner shall take steps to summon the documents to prove his salary as well as the

deduction from his office and prove it in accordance with law. The decree holder is also permitted to produce documentary as well as oral evidence in support of the contention and the other legal contentions which he is entitled in law to raise. The parties are directed to appear before the court below on 4.10.2007 and the learned Munsiff is directed to dispose of the matter within a period of ten weeks from the date of first appearance before the court.

M.N.KRISHNAN,JUDGE

dvs